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MESSAGE

FROM

FEB 21 1938

THE PRESIDENT OF THE UNITED STATES,

Upon the subject of the Disturbance on the Northern Frontier of the United States.

JANUARY 8, 1838.

So much as relates to an appropriation referred to the Committee of Ways and Means; the residue to the Committee on Foreign Affairs.

*To the Senate and House of Representatives
of the United States:*

In the highly excited state of feeling on the Northern frontier, occasioned by the disturbances in Canada, it was to be apprehended that causes of complaint might arise on the line dividing the United States from her Britannic Majesty's dominions. Every precaution was, therefore, taken on our part, authorized by the existing laws; and, as the troops of the Provinces were imbodyed on the Canadian side, it was hoped that no serious violation of the rights of the United States would be permitted to occur. I regret, however, to inform you, that an outrage of a most aggravated character has been committed, accompanied by a hostile though temporary invasion of our territory, producing the strongest feelings of resentment on the part of our citizens in the neighborhood, and on the whole border line; and that the excitement previously existing has been alarmingly increased. To guard against the possible recurrence of any similar act, I have thought it indispensable to call out a portion of the militia, to be posted on that frontier. The documents herewith presented to Congress show the character of the outrage committed, the measures taken in consequence of its occurrence, and the necessity for resorting to them. It will also be seen that the subject was immediately brought to the notice of the British minister accredited to this country, and the proper steps taken, on our part, to obtain the fullest information of all the circumstances leading to and attendant upon the transaction, preparatory to a demand for reparation. I ask such appropriations as the circumstances in which our country is thus unexpectedly placed require.

M. VAN BUREN,

WASHINGTON, January 8, 1838.

List of papers.

H. W. Rogers to the President, dated 30th December, 1837.
 The Secretary of War to General Scott, 5th January, 1838.
 The Secretary of War to Governor Marcy, do.
 Mr. Forsyth to Mr. Fox, do.

Mr. Rogers to the President.

BUFFALO, December 30, 1837.

To his excellency MARTIN VAN BUREN,

President of the United States:

SIR: Enclosed are copies of affidavits which I have prepared in great haste, and which contain all that is material in relation to the gross and extraordinary transaction to which they relate. Our whole frontier is in commotion, and I fear it will be difficult to restrain our citizens from revenging, by a resort to arms, this flagrant invasion of our territory. Every thing that can be done will be by the public authorities to prevent so injudicious a movement. The respective sheriffs of Erie and Niagara have taken the responsibility of calling out the militia to guard the frontier, and prevent any further depredations.

I am, sir, with great consideration,

Your obedient servant,

H. W. ROGERS,

Dist. Att'y for Erie county, and act'g for the U. S.

STATE OF NEW YORK, *Niagara county, ss:*

Gilman Appleby, of the city of Buffalo, being sworn, says that he left the port of Buffalo on the morning of the 29th instant, in the steamboat *Caroline*, owned by William Wells, of Buffalo, and bound for Schlosser, upon the east side of the Niagara river, and within the United States; that this deponent commanded the said *Caroline*, and that she was cleared from Buffalo with a view to run between said Buffalo and Schlosser, carrying passengers, freight, &c.; that this deponent caused the said *Caroline* to be landed at Black Rock, on her way down, and that while at Black Rock this deponent caused the American flag to be run up; and that, soon after leaving Black Rock harbor, a volley of musketry was discharged at the *Caroline* from the Canada shore, but without injury; that the said *Caroline* continued her course down the Niagara river unmolested, and landed outside of certain scows or boats attached to Navy island, where a number of passengers disembarked, and, as this deponent supposes, certain articles of freight were landed; that, from this point, the *Caroline* ran to Schlosser, arriving there at three o'clock in the afternoon; that between this time and dark the *Caroline* made two trips to Navy island, landing as before; that at about six o'clock in the evening this deponent caused the said *Caroline* to be landed at Schlosser, and made fast with chains to the dock at that place; that the crew and officers of the *Caroline* numbered ten; and that in the course of the evening twenty-three individuals, all of

whom were citizens of the United States, came on board of the Caroline, and requested this deponent and other officers of the boat to permit them to remain on board during the night, as they were unable to get lodgings at the tavern near by. These requests were acceded to, and the persons thus coming on board retired to rest, as did also the crew and officers of the Caroline, except such as were stationed to watch during the night. That about midnight this deponent was informed by one of the watch that several boats, filled with men, were making towards the Caroline from the river, and this deponent immediately gave the alarm, and before he was able to reach the dock the Caroline was boarded by some 70 or 80 men, all of whom were armed; that they immediately commenced a warfare with muskets, swords, and cutlasses, upon the defenceless crew and passengers of the Caroline, under a fierce cry of God damn them—give them no quarters—kill every man—fire! fire! That the Caroline was abandoned without resistance, and the only effort made by either the crew or passengers seemed to be to escape slaughter; that this deponent narrowly escaped, having received several wounds, none of which, however, are of a serious character; that immediately after the Caroline fell into the hands of the armed force who boarded her, she was set on fire, cut loose from the dock, was towed into the current of the river, there abandoned, and soon after descended the Niagara falls; that this deponent has made vigilant search after the individuals, thirty-three in number, who are known to have been on the Caroline at the time she was boarded, and twenty-one only are to be found; one of whom, to wit, Amos Durfee, of Buffalo, was found dead upon the dock, having received a shot from a musket, the ball of which penetrated the back part of the head, and came out at the forehead. James H. King and Captain C. F. Harding were seriously, though not mortally, wounded. Several others received slight wounds. The twelve individuals who are missing, this deponent has no doubt were either murdered upon the steamboat, or found a watery grave in the cataract of the falls. And this deponent further says that, immediately after the Caroline was got into the current of the stream and abandoned, as before stated, beacon-lights were discovered upon the Canada shore, near Chippewa; and after sufficient time had elapsed to enable the boats to reach that shore, this deponent distinctly heard loud and vociferous cheering at that point; that this deponent has no doubt that the individuals who boarded the Caroline were a part of the British forces now stationed at Chippewa.

GILMAN APPLEBY.

Subscribed and sworn December 30, 1837, before me,

S. B. PIPER,

Commissioner of Deeds for Niagara county.

STATE OF NEW YORK, } ss.
Niagara county, }

Charles F. Harding, James H. King, Joshua H. Smith, William Seaman, William Kennedy, William Wells, John Leonard, Sylvanus Staring, and John Haggarty, being sworn, severally, depose and say, that they have heard the foregoing affidavit of Gilman Appleby read; that they were on the Caroline at the time she was boarded, as stated in said affida-

vit ; and that all the facts sworn to by said Appleby, as occurring after the said Caroline was so boarded, as aforesaid, are correct and true.

C. F. HARDING,
J. H. KING,
J. H. SMITH,
WM. SEAMAN,
WILLIAM KENNEDY,
WM. WELLS,
JOHN LEONARD,
SYLVANUS STARING,
JOHN C. HAGGARTY.

Sworn and subscribed December 30, 1837, before me,

S. B. PIPER,

Commissioner of Deeds for Niagara county.

Mr. Poinsett to General Scott.

DEPARTMENT OF WAR,

January 5, 1838.

SIR : You will repair, without delay, to the Canada frontier of the United States, and assume the military command there.

Herewith you will receive duplicate letters to the Governors of the States of New York and Vermont, requesting them to call into the service of the United States such a militia force as you may deem necessary for the defence of that frontier of the United States.

This power has been confided to you in the full persuasion that you will use it discreetly, and extend the call only so far as circumstances may seem to require.

It is important that the troops called into the service should be, if possible, exempt from that state of excitement which the late violation of our territory has created ; and you will therefore impress upon the Governors of these border States the propriety of selecting troops from a portion of the State distant from the theatre of action

The Executive possesses no legal authority to employ the military force to restrain persons within our jurisdiction, and who ought to be under our control, from violating the laws, by making incursions into the territory of neighboring and friendly nations, with hostile intent. I can give you, therefore, no instructions on that subject ; but request that you will use your influence to prevent such excesses, and to preserve the character of this Government for good faith and a proper regard for the rights of friendly Powers.

The militia will be called into the service for three months, unless sooner discharged ; and in your requisitions you will designate the number of men, and take care that the officers do not exceed a due proportion.

It is deemed important that the administrative branch of the service should be conducted, wherever practicable, by officers of the regular army.

The disposition of the force with regard to the points to be occupied is confided to your discretion, military skill, and intimate knowledge of the country ; and the amount of that force must depend upon the char-

acter and duration of the contest now going on in Canada, and the disposition manifested by the people and the public authorities of that colony.

The President indulges a hope that outrages similar to that which lately occurred at Schlosser will not be repeated ; and that you will be able to maintain the peace of that frontier without being called upon to use the force which has been confided to you.

Very respectfully,

Your most obedient servant,

J. R. POINSETT.

Brevet Major General WINFIELD SCOTT,
Washington City.

Mr. Poinsett to Governor Marcy.

DEPARTMENT OF WAR, *January 5, 1838.*

SIR : The territory of the United States having been violated by a party of armed men from the Canada shore, and apprehensions being entertained, from the highly-excited feelings of both parties, that similar outrages may lead to an invasion of our soil, the President has thought proper to exercise the authority vested in him by law, and call out such a militia force as may be deemed necessary to protect the frontiers of the United States.

I am, in consequence, instructed by the President to request you will call into the service of the United States, and place under the command of Brevet Major General Scott, such militia force as he may require to be employed on the Canada frontier, for the purpose herein set forth.

Very respectfully,

Your most obedient servant,

J. R. POINSETT.

His Excellency W. L. MARCY,
Governor of New York, Albany, N. Y.

[Same to his Excellency Silas H. Jennison, Governor of Vermont, Montpelier, Vermont.]

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,

Washington, January 5, 1838.

SIR : By the direction of the President of the United States, I have the honor to communicate to you a copy of the evidence furnished to this Department, of an extraordinary outrage committed from her Britannic Majesty's Province of Upper Canada, on the persons and property of citizens of the United States, within the jurisdiction of the State of New York. The destruction of the property, and assassination of citizens of the United States, on the soil of New York, at the moment when, as is well known to you, the President was anxiously endeavoring to allay the excitement, and earnestly seeking to prevent any unfortunate occurrence on the fron-

tier of Canada, has produced upon his mind the most painful emotions of surprise and regret. It will necessarily form the subject of a demand for redress upon her Majesty's Government. This communication is made to you under the expectation that, through your instrumentality, an early explanation may be obtained, from the authorities of Upper Canada, of all the circumstances of the transaction; and that, by your advice to those authorities, such decisive precautions may be used as will render the perpetration of similar acts hereafter impossible. Not doubting the disposition of the Government of Upper Canada to do its duty in punishing the aggressors, and preventing future outrage, the President, notwithstanding, has deemed it necessary to order a sufficient force on the frontier, to repel any attempt of a like character, and to make known to you that, if it should occur, he cannot be answerable for the effects of the indignation of the neighboring people of the United States.

I take this occasion to renew to you the assurance of my distinguished consideration.

JOHN FORSYTH.

HENRY S. FOX, Esq., &c.

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